

CHAPTER OVERVIEW

This chapter describes the process required to bring an adoptive placement to finalization and actions to take if the placement disrupts.

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29.1 Adoption Process

The adoption process includes three distinct phases: preparation, placement support and post-placement services. The length of the process will depend upon the age and developmental level of the child, knowledge and skill level of the adoptive parents, and the comfort level of the child.

29.2 Preparing the Child and Adoptive Family for Adoption

Adequate preparation of the child is critical to the lasting success of the adoption. The child should be allowed ample time and opportunity to deal with his feelings related to his separation from his current family, i.e., birth and/or foster family. The Children's Service Worker should engage the child in all stages of the adoption process beginning with identifying the type of family the child would most like to be a part of. Also, the worker should carefully observe the child's behavior and encourage the child to talk about his perceptions about the adoptive family during the pre-placement phase. Most children will provide clear clues about their readiness and comfort level in proceeding with the adoptive placement. The following is a list of activities the worker should do to ease the child's transition into the adoptive family's home:

1. Share information with the child about the family. Sharing can be in the form of discussion, photographs, videotapes and letters from the family, etc.
2. Give child's profile of non-identifying information to the adoptive parents and acknowledge receipt by signing and dating the Adoption Placement Summary.
3. Facilitate pre-placement visits between child and adoptive family. The frequency, length and setting will vary based on the child's age, development and comfort level.
4. Discuss each pre-placement visit with the child, foster family and adoptive family individually.

5. Discuss separation and grief issues and potential behavior problems with the adoptive family.
6. Emphasize the child's ethnic/cultural needs with the child and family.
7. Encourage child to share/discuss his life book with adoptive family.
8. Encourage the adoptive family to allow the child to talk about the people who have cared for him and those he has cared about in the past.
9. Negotiate with the child and family post-placement visits for the child with foster family and/or significant others.
10. Engage child's therapist in the placement process.
11. Arrange a closure "good-bye" visit between child and foster parents.
12. Inform adoptive family about available support groups and encourage their participation.

29.3 Preparing the Child/Family for Adoption by Foster Parents

Even though a child has resided with a foster family for a significant period of time, a number of issues may arise once the child becomes available for adoption. It is imperative that the Children's Service Worker address these issues with the child and family to ensure a smooth transition from a temporary to a permanent relationship. The issues which must be discussed include the following:

1. Adoption requires a permanent commitment by all parties and should be thoughtfully considered and agreed to by the child and family. The family/child might need a third-party intermediary or therapist to assist them in making the decision.
2. The role of Children's Division will change from case management to placement support. The foster/adoptive parent will be responsible for making decisions and arrangements related to the child's education, health care, counseling, etc.
3. Family dynamics may change as new roles, expectations and responsibilities evolve from the change of the child's status of foster child to adopted child.

29.4 Court Proceedings

Chapter 453 of Missouri law sets forth the requirements and procedures for the adoption of a child which includes the following provisions:

1. Any person desiring to adopt a child may petition the juvenile division of the circuit court of the county where either the child or family wishing to adopt resides.
2. A Guardian ad Litem will be appointed by the court to represent the child when the child is under 18 years of age.
3. In all cases where the child being adopted is 14 years or older, his written consent to the adoption is required, except where the court finds that the child does not have sufficient mental capacity to do so.
4. No transfer of custody of the child to the petitioner nor a final decree of adoption will be made by the court until a full investigation has been made. This investigation may include, but not be limited to, an adoptive home study on the potential adoptive parent, an investigation as to the child's readiness and suitability for adoption, and the child's eligibility for adoption subsidy.

“453.077. 1. When a child has been placed with the petitioner for the required six-month placement period, the person conducting the pre-placement assessment of the adoption or other persons authorized to conduct assessments pursuant to section 453.070 shall provide the court with a post-placement assessment. The specific content of which shall be determined by rule by the Department Of Social Services, Children’s Division. The post-placement assessment shall include an update of the pre-placement assessment which was submitted to the court pursuant to section 453.070, and a report on the emotional, physical and psychological status of the child. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the department concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by department rule shall not be used as the sole basis for invalidating an adoption.”

NOTE: The format and content of these investigations may vary depending upon the requirements of the local court.

Adoptions may be finalized in one of two ways: through a one-count or two-count petition, depending on the interpretation of the statute by the local judicial circuits.

A one count petition is a formal, legal document filed pursuant to chapter 453, RSMo, requesting the adoption of a child by the petitioner. A one-count petition is used when the child has already been placed in the actual (or physical custody) of the petitioner, such as an adoptive placement by the Children’s Division. This usually follows the termination of parental rights. The petition usually requests an adoption decree, and the adoption decree may only be entered after there has been actual custody for a period of at least six (6) months. A one-count petition may also be used in stepparent adoptions and in the more rare adult adoptions.

A two-count petition is a formal, legal document which requests in the first count the placement of actual and legal custody of the minor child with the petitioner(s) and, in the second count, requests an order of adoption. Again, the child must be in the lawful and actual custody of the petitioners for a period of six (6) months prior to the entry of an adoption decree. Custody of a child may not be transferred to the adoptive family prior to their filing a petition in the appropriate court. There may be a hearing held for placement of custody, but it is not necessary if all parties agree or stipulate to the placement. A hearing is held, after nine (9) months of actual custody, to ensure that the adoption is in the best interest of the child. Two-count petitions are more likely to be contested because the parental rights of the birth parents have not always been terminated by that time. They may be contested on either or both counts: placement or adoption. Again, the procedural requirements may vary depending upon the interpretation of the statute by local judicial circuits.

To complete the adoption process the worker will:

1. Prepare and submit written summary to court for transfer of custody hearing and final decree hearing according to local requirements.
2. Assist child and family's attorney in completing "Agreement to Adoptive Plan" when child has reached 14th birthday if adoption is not finalized before this age.
3. Appear in court for decree of adoption hearing.
4. Make one visit with child and family after court hearing for purpose of:
 - a) Referral to community support groups, if needed.
 - b) Reinforcing lifetime commitment of adoption.
 - c) Maintaining links to any needed rehabilitation services.
 - d) Reinforcing agency's commitment to the success of the adoption.
 - e) Completing subsidized adoption agreement, reminding family of yearly review of subsidy and necessary maintenance activities, if appropriate.
5. Close case with a closing summary upon receipt of decree of adoption.
 - a) Maintain active case services if continued services are needed.
 - b) Maintain subsidy if this service is utilized and record subsidy transactions as needed.

29.5 Placement Support

The primary purpose of support services is to assist the child and new family to become integrated as a family unit. Reciprocal and open communication between the Children's Service Worker, family and child is essential to identifying the services needed for integration to occur. Services should be consistent with the needs of the family and may be provided by the worker and/or through referrals to community resources. The following represents the minimum expectations for worker contact with the adoptive family:

1. Visit with the family and child once a week for the first month of placement.
2. Visit, at a minimum, once a month thereafter, until the adoption decree is issued.
3. Contact by telephone as needed.
4. Closure visit after the adoption has been finalized.

Issues which the Children's Service worker should discuss with the family and child during contacts should include, but are not necessarily limited to, the following:

- That emotional attachment between parent and child is not simultaneous with the physical move.
- The progressive periods of adjustment for children in placement, i.e., separation and grief, honeymoon, testing, normal child behavior and/or attachment.
- Adoptive parents normally experience ambivalent feelings, emotional letdowns, and periods of uncertainty. This can be a normal reaction following both crisis and success.
- The child may respond to each parent in different ways.
- The adjustment of the child and parents may occur at different rates.
- The child may compare his present family unfavorably with his former family.
- Child's needs related to his/her cultural/racial background, if different than the adoptive parents.

The Children's Service Worker should continually assess and offer guidance to the family in the development of the parent-child relationship and problems unique to the adoption. The following topics shall be discussed with the family during the worker's contact with the adoptive parents:

- Effect of the child's placement on the marital and family relationship.
- Child's adjustment to new school and community.
- Child's current behavior and continuation of past behavior and how family is coping with the behavior.
- Effect of child's continued contact with foster parents and/or significant others.
- Availability of resources to assist family in learning about and coping with child's special needs, i.e., support groups, organizations, community agencies, etc.

29.6 Adoption Disruption

The vast majority of families succeed in establishing permanent homes for children they have adopted. However, in spite of the best intentions of the family and the agency some placements fail. According to the findings of a survey conducted by the University of Maine less than ten (10) percent of adoptions disrupt within the first three (3) years of the placement. There are a number of factors which may contribute to a disruption. These factors include:

Mismatch - Adoptive family is unable to tolerate child's characteristics, behavior or personality due to incompatibility with parental values and/or lifestyles. Also, the child's characteristics, behavior or personality, are in conflict with adoptive parents' stated preferences.

Inadequate preparation - Child has not adequately resolved past losses or future expectations. Also, the adoptive family has accepted a child for placement without the knowledge/skills necessary to cope with the child's special needs.

Lack of support services - Either the agency has failed to provide or the family has not made use of services needed to support and sustain the placement. Also, the family may not have or is unable to seek out support from friends and relatives/kin.

Failure to form emotional attachments - Parents personalize and misunderstand the child's behavior. Child's past experiences, relationships and/or emotional problems impede his ability to bond with a new family.

Marital/family relationship problems - Children with special needs may place heavy demands on the time and energy of the parents which affects the relationship of family members.

Developmental stage of child - Parents may be quite competent in caring for a child until he reaches a certain developmental stage, i.e., adolescence.

Many adoption disruptions can be avoided through adequate preparation, support services and through open communication between the Children's Service Worker and the family. However, on occasion the first indication of difficulties in the placement occur during a crisis, i.e., the family requests that the child be removed or a child abuse/neglect report is made. When such a crisis occurs, the worker should respond immediately and take the following steps:

1. Assess safety of the child;
2. Assess family's interest and/or ability to preserve the child's placement. Assessment should include individual interviews with the parent and child;
3. Ask the family and the child to identify what they want/need to keep family intact. Some services which are available to the family include:
 - a) Respite care;
 - b) Individual/family therapy;
 - c) Family Preservation;
 - d) Support group;
 - e) Mentor;
 - f) Assistance in obtaining additional information regarding child's needs/condition;
 - g) Parent education including behavioral foster care and career foster parent training; and
 - h) Out-of-home placement, i.e., foster care, residential care, etc.

If all efforts to preserve the family unit fail and the placement disrupts, the Children's Service Worker should do the following:

1. Involve family in plan for child's removal from the home including explaining to the child why the placement did not succeed. The plan should include:
 - a) Placement options including another adoptive placement.
 - b) Plan for continued contact between child and family.
 - c) Closure with the family, if appropriate.

2. Maintain close contact with child following disruption. At least weekly if geographically feasible.
3. Evaluate what you learned about the child, family and self and how this information can be applied in making future child/parent matches.
4. Reassess goal for child.

NOTE: Placement disruption can be a very stressful situation for the Children's Service Worker as well as the child and family. The worker may assume blame and responsibility for the disruption. Supervisors should acknowledge these feelings and provide supports necessary to cope with/resolve these feelings.

MEMORANDA HISTORY: